

COMMITTEE ON HUMAN RESOURCES/INSURANCE



October 5, 2004

5:30 PM

Chairman Shea called the meeting to order.

The Clerk called the roll.

Present: Aldermen Shea, Sysyn, DeVries, Garrity, Forest

Messrs.: V. Lamberton, K. Clougherty, D. Hodgen, R. Dipentima

Chairman Shea addressed Item 3 of the agenda:

Communication from Virginia Lamberton, Director of Human Resources, requesting authorization to reimburse a candidate for the Economic Development Director position in the event the City was requested to do so.

Alderman DeVries stated I have a question for Ginny, our HR Director. Is this a precedence that we are setting or have we, in fact, paid moving expenses in the past?

Virginia Lamberton, HR Director, responded it is my understanding that the City indirectly paid for one department head to come here through a headhunter situation. I don't have any facts to back that up but in this instance I was instructed to recruit nationally for this position. We have been recruiting nationally and the concern was if somebody who was like the perfect candidate was considering it would we lose that candidate unless we were willing to offer some sort of assistance to move that person and that family to New Hampshire. It is just a "what if" situation.

Alderman DeVries asked in your opinion would this be an industry standard.

Ms. Lamberton answered I would say for this level position, yes.

Alderman DeVries asked did you have a limit on the dollar amount.

Ms. Lamberton answered what we discussed is taking the funds from the MEDO budget. I don't have a dollar amount because I have no idea...this is just like a marshmallow. We don't really know. You can't put your hands on anything

because we don't know who is going to apply or where they are going to apply from. That is going to make a difference. Certainly the Board could say up to a certain amount of money and we would negotiate that with people.

Alderman Forest stated I know some moving expenses are covered...like at IRS when an employee gets hired they pay the money back. Is there a provision in here that if he or she gets reimbursed for this position that we get the money back?

Ms. Lamberton responded I don't know anything about that type of stuff.

Alderman Forest asked could we have something in the provision that if the individual is hired we pay for their moving expenses and then they are reimbursed from the job that they have now so we are not giving that person more money than they deserve.

Ms. Lamberton answered I am sure we could talk about that with the Solicitor's Office.

Alderman Garrity stated you said we did this in the past. Was it when we hired the Airport Director?

Ms. Lamberton responded that is what I heard.

Alderman Garrity asked does MEDO have the money in their budget.

Ms. Lamberton answered I asked Randy Sherman and he said he believes they would have money up to \$8,000 or \$10,000.

Kevin Clougherty, Finance Director, stated my understanding is that when we hired the Airport Director we did do a national search similar to what is going on now. The difference is that we employed a headhunter to help us in that search and as part of that arrangement I believe there was a reimbursement in part for moving expenses. I could go back and look and tell you what the exact number was but it was awhile ago. My recollection is that we did pay some amount there. The issue that Ginny is wrestling with is how to you offer incentives for people to come because one of the things a candidate may ask is can I get some reimbursement for traveling out here for the interview or for relocation. The money that was budgeted for the position was budgeted for six months starting in January, I believe. It doesn't look like we are going to be able to have the process completed until sometime after that so to the extent that it goes beyond that amount you are accruing some savings and as we get into the process we will have a better idea of just how much money could be allocated for this. If you could endorse the concept so that as people contact the HR Director and ask her what the

options are she could explain that there might possibly be some dollars and we can't tell you exactly what they will be because we will have to calculate that depending on the timeframe involved that might be enough to have some people want to come and do the interview or come and make a commitment. Certainly as we get closer to giving the position to somebody we will know better what that position is.

Chairman Shea asked can I approach it from a different perspective. What would be the difference, and this was raised by another Alderman in discussion, but what would be the difference between making that a negotiable item in the contract? In other words, rather than offering it make it a negotiable item because once you offer it they are going to take it. So if you make it a negotiable item in the contractual agreement you are doing the same thing but you are not going to make another concession that you might have to otherwise. That is something that I think may be a point of consideration.

Alderman Garrity stated I see in your letter, Ginny, that it says travel expenses. Are we talking reimbursement for the interview?

Ms. Lamberton responded potentially. We started talking about this the day after we put all of the ads out around the country. In the interim I had said to Jane Hills because more than likely people will be talking to her to find out about the details and particulars of the job to tell people that it is negotiable because it might be at that point. I think we use the word negotiable because that is the best and safest word to use. If somebody is moving from Nashua, obviously this isn't up for discussion.

Alderman Garrity asked but basically if they are from like say Colorado and they are going to come here for an interview we are going to pay that expense.

Ms. Lamberton answered what we talked about was people could pay their first...if they came here the first time for the first level of the interview but if we got very, very serious about considering them and if they were selected then we would reimburse them for their trip here for the final interview. That is what we talked about.

Chairman Shea asked do we have right now a procedure about how we are going to do this – who is going to be involved in the process. Do we have any of that?

Ms. Lamberton answered yes. I believe the Charter requires you to have a procedure for nomination of department heads and we will be using the same procedure we have used over the last year or so where there would be a screening committee comprised of probably a couple of Aldermen and other people, like

people from the community and other people that are knowledgeable in the area. They would screen out candidates and then the candidates would come back and meet with the Mayor and probably the same group of people again and then the Mayor would decide which person he wanted to nominate and then he would bring the name before the Board.

Alderman DeVries stated certainly I support this position and I think it is critical that we get the best of the best that we can. I support the concept as Ginny indicated and ask that we receive some further information. Maybe some of the numbers from the past reimbursement because I think before it comes up for a full vote, which would probably be in front of the full Board, that we need to have some final numbers.

Mr. Clougherty stated I agree with you, Alderman. At this point in time what is really needed are some conceptual agreements from the Board that should we find ourselves...which we think we are going to be in a situation where we may have some dollars available that we would be inclined to make those available under reasonable circumstances for getting people here to interview or to relocate. If we have that conceptual approval from the Board then I think as Ginny points out Jane can say to various candidates that that is negotiable. If, on the other hand, she doesn't have that or hasn't had that discussion with the Board it is kind of disingenuous to lead people on that it might be negotiable. At least at this point if somebody inquires we can say it has been discussed with the Board and this is exactly what we are going to do and how it would work and they can evaluate that.

Alderman DeVries moved to endorse the concept of reimbursing the candidate for the Economic Development Director position in the event the City is requested to do so. Alderman Forest duly seconded the motion.

Alderman Lopez stated you mentioned...I thought the procedure was the HR Director was going to do the work and answer the questions on this and you mentioned that Jane Hills was going to do it. Is that correct?

Mr. Clougherty responded I only mentioned Jane because I thought that Ginny brought up her name. My understanding is there is a committee that is going to do the actual interviews.

Alderman Lopez asked but the HR Director is the one that is doing the work, correct.

Mr. Clougherty responded I defer to Ginny on that.

Ms. Lamberton asked what work.

Alderman Lopez answered as far as recruiting the individual and answering questions.

Ms. Lamberton stated right we are recruiting but if there are specific technical questions about the office and whatnot I am not the best person to speak to. I believe that Jane Hills would be the best person to speak to because she works there and she should know the answer to those technical questions.

Alderman Lopez stated the only comment I would like to make to the Committee as they move forward on this is that originally we were talking about a City Coordinator and after reviewing the specs of the job we reverted back to the Economic Development Director because of the amount of work that person is going to have to do. We do have the Manchester Housing Authority that is involved in economic development. We do have the Chamber of Commerce and other people who are involved in this whole process. Originally we thought this was a great big job that back in the old days when we didn't have a particular structure and I have talked to Kevin in reference to this many times where now we have a system and we have procedures in place as to what happens so when we look at an Economic Development Director I don't think we are creating a czar for the City to do something when the structure is already there. So whatever the Committee does that is fine but I just want to bring those points to your attention.

Chairman Shea called for a vote on the motion. The motion carried with Aldermen Garrity and Shea duly recorded in opposition.

Chairman Shea addressed Item 4 of the agenda:

Communication from Virginia Lamberton, Director of Human Resources, relative to a request of the Public Health Director for changes in School Health staffing.

Rich DiPentima, Deputy Public Health Director, stated with me I have Dr. Kerry Campell who is our Director of School and Youth Health.

Alderman DeVries stated I guess I am a little bit confused because it appears at one point that you are asking for an additional LPN position and then later in discussion it says you are looking to transfer because it is difficult to hire LPN's. I guess I am looking for some clarification as to your expectations.

Mr. DiPentima responded what happened during the budget process was the School District authorized us to employ two additional LPN's and they have funded that in their budget. We get reimbursed for our school health services from

the School District. The problem we have been having is we haven't been able to find LPN's. We do have a pool of RN's that are available that we can hire. It sounds strange but that is the reality so what we are requesting is some flexibility in our hiring practices to allow us within the scope of the budget that was authorized by the School District to sort of mix and match those positions so we can either hire an RN if an RN is available or LPN if an LPN is available or part-time two RN's depending on how we can best meet the needs of the schools within the constraints of the budget that the School District has allowed us.

Alderman DeVries stated so procedurally we need to authorize the additional position and then authorize the flexibility in hiring and that has been approved by the School District, the flexibility. They are aware that it may affect hours or pay scales, etc. but you are working within their budget?

Mr. DiPentima responded right. We are definitely within the budget. We can't spend what they didn't authorize us to spend.

On motion of Alderman Forest, duly seconded by Alderman DeVries it was voted to approve the request of the Public Health Director for changes in School Health staffing.

Chairman Shea addressed Item 5 of the agenda:

Communication from Virginia Lamberton, Director of Human Resources, submitting a proposed tuition reimbursement policy for non-affiliated employees.

Ms. Lamberton stated this came about due to a difference of opinion between the Finance Department and the Human Resources Department about whether or not a policy existed that was approved by the Board that limited the amount of money that any non-affiliated employee could get per year to take college level courses. What we did was we did all kinds of research through the City Clerk's Office and through my office and through Jenny Engel who is a non-affiliated employee to find out if anybody had a policy that had ever been approved by the Board. We could not find a policy for tuition reimbursement. What we did find was something in the Chart of Accounts booklet from 1996-1997. I brought a copy of it. It is the first category on the top of the list of different topics. This states that spending at the departmental supervisor's discretion is related to an employees skills and not limited by tuition reimbursement policies. We were able to find that. We were able to find that in 1995 the non-affiliates sent a request to the Board of Mayor and Aldermen to increase the budget for tuition expenses, which I have a copy of here and then in 2000 a similar thing went before the Board but it was in the Yarger Decker plan. It talked about increasing the budget for non-

affiliated employees' tuition reimbursement, which did not increase to the amount that was recommended in the Yarger Decker study. Then in the employee handbook we have a statement about tuition reimbursement, which I will pass along to you and that doesn't really say much more than if you want tuition reimbursement look at your contract if you are an organized employee and if you are not look at the job for non-affiliated employees. The long and the short of it is there isn't a policy right now so consequently that is why I am here. I want to propose a policy for the non-affiliated employees.

Chairman Shea asked what, in essence, are you proposing so the members can get a clear vision.

Ms. Lamberton answered that employees receive what they are getting now, which is up to 75% of the cost of the course and that includes 75% of books and fees, not parking fees or anything but say there is a lab fee or something. I am proposing that the department head has to review the request, determine whether or not the proposed class is something that is going to enhance the employee's knowledge, skills and abilities on the job that they have now and the department head can say no it is not going to or no I won't forward it to HR but if the department head agrees that it is appropriate then it would come to Human Resources and as long as it is submitted prior to taking the class and there are funds available in the budget in Human Resources then the employee would be eligible for reimbursement upon successful completion of the class.

Chairman Shea asked so in essence what you are asking for is substance to the particular ordinance in terms of an individual who wants to take courses will get a higher reimbursement for their participation. You are not asking for any more money?

Ms. Lamberton answered no I am not asking for any more money.

Chairman Shea stated so they are going to get more towards their tuition and their books then they are getting right now.

Ms. Lamberton responded no. It is still 75%.

Chairman Shea asked but if the courses cost more they are going to get more. That is what I am saying. If the course is a graduate course and costs more money to take it, they are going to get 75% of that amount rather than an undergraduate, which is less money because you don't have to pay as much.

Ms. Lamberton answered that is correct.

Alderman Forest asked all you are asking is that the non-affiliated employees be included in the policy because they are not now, right.

Ms. Lamberton answered all of the unions have some language in their contracts as to what they get and what the limits are for what they get. For non-affiliates the practice has been 75%. On the G drive it said up to \$1,060 per year but there was no authorization for that anywhere. What I am proposing here, which essentially is what happens now, is if it is appropriate for their current duties that the department head recommend it. I will double-check that and then like a graduate course for some of the employees at the Health Department, one course costs more than \$1,060. The Director of that department wants his employees to get their Masters in Public Health because that can only enhance the department so I am proposing that there not be a \$1,060 limit. I am proposing that if it is appropriate and as long as funds are available that the employee be reimbursed the 75% until the budget is gone.

Alderman DeVries asked so we are looking at a first come-first served.

Ms. Lamberton answered yes that is the way it is now.

Alderman DeVries asked so the department head would have the authority to deny a request before it ever came to the City.

Ms. Lamberton answered I would hope they would.

Alderman DeVries asked so if he is hoping to have one employee participate at a higher level than another than he could maneuver that.

Ms. Lamberton answered I don't know if the word is higher level. The most important thing is that if we are going to pay for education it should be to enhance the person's knowledge for the job they have. For example, I have a young lady in my office who is working on her Bachelor's Degree in Human Resources. She is very capable and she is very bright. I agree with that. If she came to me and said she wanted to get a Bachelor's Degree in nursing or something else I would say I am sorry, you are on your own because that is not going to do anything for the Human Resources Department.

Alderman DeVries stated I think I would feel...I understand what you are saying and I agree that a discretion should be allowed but I can see that there is room for abuse as well if there was a less favored employee also trying to pursue their degree in Human Resources but you knew that funds were limited and you could only pick one over the other.

Ms. Lamberton responded actually the funds are maintained in Human Resources. There is a budget of \$29,500 today and that has been the number for several years. It has always been first come-first served.

Mr. Clougherty stated as Ginny noted this grew out of an issue that we have been looking at and I think it is good that she is coming forward with a policy. In fact, I have encouraged her to come forward with a policy. I have only had a chance to look at this since getting the agenda on Monday. I think a lot of the issues that she is bringing out are areas that we need to tighten up and how we do that, I think, is going to be particularly important not only because we want to be fair to all of the employees but also because I think it is important to send a fair message to all of the negotiating units that have already got something in this area. We don't want to send a message that we are going to give somebody else, after they have settled, something better or worse. We want to make it clear to them that we are all on a level playing field. In that regard I have asked Kevin Buckley in our office to do a review of the expenditures for the last three years and take a look at how it is handled in other places and come up with some recommendations. He was going to give that report to the Committee on Accounts at its next meeting. What we would like is to have some time to look at this and work through some of the details as far as should there be a cap on the amount that is available so that one individual in one department gets all of the benefit. There are a lot of mechanics that have to be looked at in that regard. Ginny may have that. We just haven't had time to talk about that. We would first of all bring to your attention that there is this other report coming out so you can get some idea of the impact of what the dollars have been and how it has been used over the last few years by the different departments and who has used it and how that has worked. We think that will be helpful in structuring a good policy going forward. We would ask that you not necessarily approve this tonight but wait until you have some of the other information and give some of the other departments a chance to respond to it. Again, I think it is something that is very important and very necessary. We want to make sure that it gets done right and that you have all of the information before you as to what the impacts might be fiscally and what was a good policy. Once the policy is in you may decide to increase the amount of tuition that is available and as the pool goes up that is great. I think we are all in favor of training as Ginny has said. That is critical to all of us but getting the policy right and making sure it is equitable I think is also important. It would be nice if you had a matrix that said what does everybody else have and how does this fit in and you had some comparisons of history and that is what we would like to provide. Again, our intent was to have that as you know because Kevin deals with the Committee on Accounts and he has told them that he is going to them that that is where that will go at their next meeting.

Alderman DeVries stated if I understand the information that Ginny handed out to us today since 1996 there has been no cap for non-affiliated employees.

Mr. Clougherty responded what has happened is there has always been the assumption that there was a policy and it has always been enforced so the practical application has been consistent. Whether there was an action of the Board on that specific item or whether that was...prior to Yarger Decker you used to always come in with something in writing for non-affiliates and it was clear. Once Yarger Decker was put in place there were a number of layers and mechanics and architecture to that and that was included in there. That is what has been continued going forward. I think it should be something that is looked at every year and it should be more specific as part of a package that is part of the negotiation process.

Alderman Forest asked Kevin are you making some kind of recommendation that we table this while you and Ginny work on it or should we send it to another Committee.

Mr. Clougherty answered well first of all I don't want to see it tabled in the sense that we are just going to push it aside. I would like you to ask the Finance Officer and City Solicitor and HR Director to really sit down and come up with something and maybe give us a deadline to come back to you at the next meeting because by then you should have the information from the Committee on Accounts report and hopefully we can get something in place soon. It is not my intention to somehow delay this because I think it is important that we get it done. I want to make sure when we come back that you see all of the pieces and are comfortable with your decision.

Alderman Sysyn moved to table the item and refer it to Finance, Solicitor and HR to come up with a more comprehensive policy and report back at the next meeting. Alderman Garrity duly seconded the motion.

Alderman Forest stated Ginny made a comment about a Board of Health employee who may use this. If we put this on the table would that interfere with that person signing up at a college in January?

Mr. DiPentima responded I guess it would depend on when the next HR meeting is. I don't think it would have a direct impact since most semesters have already started. I don't think that is going to be a big issue for us.

Ms. Lamberton stated first of all I just want to make it very clear that there is a budget of \$29,500. There are budgets for other groups of employees. They are all first come-first served. They are all dependent upon whether or not management

agrees with the request of the employee. That is nothing new. As far as...the only thing that is a little different here, well there are two things that are different here. One is that the Board approve that the non-affiliated employees have a policy and the second issue is whether or not there is a cap. Other than that, you can't bust the bank because there is only so much money and when the money is gone it is gone. There are some people sometimes...not the non-affiliates but one other group has exhausted their funds and that is just the way it is. The money was gone and they were told sorry come back next year.

Chairman Shea asked so we have \$29,500 and it is first come-first served. Let's assume for the sake of discussion that someone from the Water Works submits a request and someone from another department. If, in fact, there is only so much money in this particular fund who determines who has priority?

Ms. Lamberton answered Water Works has their own account. The unions have their own different accounts.

Chairman Shea asked in terms of how much they can spend.

Ms. Lamberton answered correct. This \$29,000 is specifically for non-affiliated employees. The Firefighters have an account. The Police Officers have an account.

Chairman Shea asked well who determines how much is in each account.

Ms. Lamberton answered the budget process.

Chairman Shea asked so in other words when the Fire Department submits their budget they include a certain amount for the people in their department.

Ms. Lamberton answered yes based on what was negotiated for that contract period.

Chairman Shea asked so not all of the departments have the same amount.

Ms. Lamberton answered no they don't because some groups of employees have more of an interest in pursuing education than others. It is not a priority at the bargaining table.

Chairman Shea asked the Clerk to read the motion.

Deputy Clerk Normand answered the motion would be to refer the communication from Ms. Lamberton to the Finance Director, Solicitor and HR Director and to have them report back at the next Committee meeting.

Chairman Shea called for a vote. There being none opposed, the motion carried.

Chairman Shea addressed Item 6 of the agenda:

Communication from Virginia Lamberton, Director of Human Resources, submitting proposed revisions to Ordinances 33.081 (4) (a) Sick Leave; 33.079 (H) Vacations; and 33.079 Vacations.

Deputy City Clerk Normand noted that there was a revision on 33.081 (4) (a) regarding Sick Leave. The agenda shows a reference to 120 days and the revised ordinance is 90 days. The revision was handed out prior to the meeting.

Alderman Garrity asked can I get a fiscal impact.

Ms. Lamberton answered what we did was look to see, since these have been changed in the union contracts, how much more it cost City wide for those union contracts.

Chairman Shea stated I did invite David Hodgen so if anyone has any questions, he is available to answer them also.

Ms. Lamberton stated in FY02, 12 union employees retired and the average increase for sick leave, the average for those 12 people was \$1,200 from the different departments.

Alderman Garrity asked so that is \$1,200 times 12.

Ms. Lamberton answered correct. Then for FY03 we only had four employees retire who were eligible for these types of things and the impact on the vacation time was an average of \$833.

Alderman Garrity asked per employee.

Ms. Lamberton answered yes.

Chairman Shea called David Hodgen forward.

Alderman Garrity asked Ginny do you have any more recent figures.

Ms. Lamberton answered I asked my payroll person to give me the most recent information she could give me. Also, prior to David agreeing to these items in the contract some of these numbers were developed also.

Chairman Shea stated David when we were discussing FY03 today was your figure \$10,000.

David Hodgen, Chief Negotiator, stated as I recall the figure was something like \$10,000 in FY02 and \$5,000 in FY03 but those were very ballpark estimates. I would defer to the numbers that Ginny just gave you.

Alderman DeVries stated even though this particular ordinance has already been adopted in the two outstanding bargaining units, remembering the reception at the schools when some of their non-affiliated employees were settled if you would prior to the teachers being settled and the difficulty that that presented I wonder, cause I know in particular one of those bargaining units has real problems with what we call the "me to's" meaning that what goes to one unit automatically goes throughout the City because the feel it imposes a very difficult hurdle for them in bargaining that they are bargaining in fact for the whole City rather than just for their own unit. I just can't help but wonder if this is...the timing is premature. That contract should be settled.

Ms. Lamberton responded the contracts that have been settled actually have this language already in them so it would have no negative impact on them.

Alderman DeVries replied I understand that but it is more the concept of the universal benefits that once one bargaining unit gets something the entire City automatically gets it and that is a difficulty for them because it makes it difficult for them to negotiate specific benefits because there is that automatic assumption that everybody else will receive it. Based on the knowledge that they have that opinion I am wondering if it is premature to do this because it would be an affront to them.

Ms. Lamberton responded I don't believe it is. These aren't...the issues that I think the unions are referring to are...the things that they are asking for have nothing to do with this. We are one employer. We try to negotiate things that are important to the different bargaining units. We also try to take care of our other employees who chose not to be union members and all we are trying to do is say that traditionally the non-affiliated employees do get most of the same core things that the unions get, not the extras that the unions get.

Alderman DeVries replied I understand what you are saying, Ginny, but Mr. Hodgen do you feel that that is going to prolong...

Mr. Hodgen interjected I don't foresee any problems in this area. We don't have any contractual "me to" obligations in this area at all. With regard to the increased payout for sick leave severance, everybody in the City...well I am not really familiar with the amended motion on 33.081 (4) but as it was initially presented with 80 days plus $\frac{1}{4}$ of the balance up to 120, all of the unions in the City already have that with the exception of the Teamsters unit in the Library. So the only groups in the whole City that don't have that benefit right now are the Library and the non-affiliates. I think the Library was pretty much an oversight. I don't think the union thought of it and I don't know that it is my job to remind them if they forget something anyway but probably in the next round of bargaining we would square that account with them. They would be the only exception. With regard to the double vacation accrual, the only units in the City that don't already have that are AFSCME units, the master contract, the facilities division, the health bargaining unit and I think it is fair to say that wasn't really a concern for them in this round of bargaining because they didn't ask for it.

Chairman Shea stated for the sake of clarity I want to keep every item separate here and not go from one to the other. We are going to take 33.081 first and then we will take 33.079 (H) and 33.079. We are going to break these up. We are not just going to give carte blanche with one vote.

Alderman DeVries asked the language that we will be inserting in the ordinance is "up to 90 days."

Ms. Lamberton answered that is correct. The employees can have 120 days of sick leave on the books. Currently they can only be paid up to 80 days when they retire or die frankly. The language in there before was a little confusing and Tom Arnold came over this afternoon and asked me to change it so it was really clear. What it says in the contract is that you can be paid between 80 and 120 days, $\frac{1}{4}$ of that and really what that equals is 90 days. It is the same thing, it is just written more clearly.

Alderman DeVries asked and what is the fiscal impact again.

Ms. Lamberton answered we looked at all of the bargaining units of people who were eligible for this and who have retired and we came up with an average of \$1,200 more in their severance then they would have gotten.

Mr. Hodgen stated I am a little concerned with this latest amendment because it is technically better than the agreements in the contracts. The amendment as it was originally proposed to you is the same as the union contracts. In order for them to get 90 days of pay off, they have to have all 120 days on the books when they

leave. As I understand the amendment if you have 90 days on the books, you can get paid 90 days. That is better. I think that would start a new round of negotiations with the unions and they would want that better deal to. I am sorry if I am hurting someone's feelings but I don't think that is a good idea. The way it was initially presented to the Board that they would get 80 + ¼ per day up to 120 days is the way that it is currently in all of the contracts in the City with the exception of the Library.

Ms. Lamberton responded we can go back to that language. Tom Arnold was concerned that it was confusing. It wasn't really confusing to me.

Chairman Shea asked so should we receive and file that piece.

Ms. Lamberton answered no what I would say is to not utilize the one that was handed out tonight but use the one that was originally attached to the agenda.

Chairman Shea asked so now you are back to the original one we received rather than the revised one that the City Solicitor's Office worked on.

Ms. Lamberton answered it is not that it is just that Tom didn't think it was clear. I said that all of us understand what it is but I was just trying to be cooperative.

Alderman Garrity moved to recommend that Ordinance 33.081 (4) (a) be approved and referred to the Committee on Bills on Second Reading for technical review. Alderman Sysyn duly seconded the motion. Chairman Shea called for a vote. There being none opposed, the motion carried.

Chairman Shea stated now we are going to take the next one, 33.079 (H) Vacations.

Ms. Lamberton responded again this is the same thing. This is what most of the bargaining units have in their contract and again the non-affiliated employees have requested that they be treated the same so I am coming forward to ask the Board to treat them the same as the other employees in the City.

Alderman Garrity moved to recommend that Ordinance 33.079 (H) Vacations be approved and referred to the Committee on Bills on Second Reading for technical review.

Chairman Shea stated according to this, the language has been agreed to in the majority of the contracts that have been settled. Is that correct, David, or is it just the Firefighters and the Union Steelworkers contracts?

Mr. Hodgen responded it is the majority. Technically it is 7 out of 11 so there are 4 that are still at the 1.5 times. Those would be the AFSCME master contract, health contract and the facilities division, formerly Building Maintenance Division contract, as well as the Library. I don't believe that this was a concern to them in the last round of bargaining. They didn't make any proposals to increase it.

Chairman Shea asked so what you are saying is once the Committee votes in favor of this the other unions that are not involved here cannot come back and say well this is something we didn't really include in our contractual agreement but because you agreed to it for non-affiliates we want it in ours.

Mr. Hodgen answered they cannot come back and force the issue. I think as a practical matter they will have to wait for the next round of bargaining, which is a couple of years from now.

Alderman Forest duly seconded the motion. Chairman Shea called for a vote. There being none opposed, the motion carried.

Chairman Shea stated the last one is 33.079 Vacations. Is this the same one, Ginny?

Ms. Lamberton responded no this one is different. All of the employees in the different areas have what they call sick leave banks and when employees get ill and exhaust all of their sick leave there are committees that they can go to to request additional sick leave. What this is for is if...the easy example for me to give you would be if you have an employee who is maxed out on their leave time and for whatever reason they don't take vacation and say another employee doesn't accrue much time and they want to go to a family reunion let's say, the one employee could go to the department head and get permission from the department head to take away say five days of their vacation time and then the other employee who doesn't have any time could go on vacation with pay.

Chairman Shea stated in discussing this with David today, no other department does that because there is a key word here that says "between departments" and that is not done at all is it David. In other words, you don't have somebody from the Police Department offering vacation time to a Fire Department employee or an employee of the Health Department offering time to an employee of Human Resources do you?

Mr. Hodgen responded there are no provisions like this in any of the collective bargaining units at this time.

Chairman Shea stated I think we would be opening up a Pandora's Box in my opinion if we were to do that.

Alderman DeVries stated I guess one of the other things that bothers me is...I don't know has anybody researched what procedurally will be done to have to track this and who will be in charge of that and if it will require any additional time for the tracking.

Ms. Lamberton responded it won't really require anything. Every position is budgeted to work every workday during the year. If anything, it might end up saving money because if somebody donates time to somebody else and then they leave, we won't have to pay out that time to the person. There is no real administrative...there is just an agreement that I am giving David five of my vacation days so he can go on a longer vacation than he originally could have gone on because he didn't have enough time.

Alderman Garrity moved to receive and file. Alderman DeVries duly seconded the motion. Chairman Shea called for a vote. There being none opposed, the motion carried.

TABLED ITEM

7. Report from the Human Resources Director relative to a bonus system, if available.
(Tabled 04/06/2004 pending report from Quality Council advising of status.)

This item remained on the table.

There being no further business, on motion of Alderman Forest, duly seconded by Alderman Garrity it was voted to adjourn.

A True Record. Attest.

Clerk of Committee